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VB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/056,806	04/08/98	VERMEULEN	A I/97272

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HM12/1210

EXAMINER

TURNER, S

ART UNIT

PAPER NUMBER

1645

5

DATE MAILED:

12/10/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/056,806

Applicant(s)

Vermeulen

Examiner

Sharon L. Turner, Ph.D.

Group Art Unit

1645



☒ Responsive to communication(s) filed on 9-27-99

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-15, 18, 19, and 21-32 is/are pending in the application

Of the above, claim(s) 6-11, 18, 21-26, 29, and 31 is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5, 12-15, 19, 27, 28, 30, and 32 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 1645

Response to Amendment

1. The Examiner of U.S. Patent application SN 09/056,806 has changed. In order to expedite the correlation of papers with the application please direct all future correspondence to Examiner Turner, Technology Center 1600, Art Unit 1645.
2. The amendment filed 9-27-99 has been entered into the record and has been fully considered. Claims 1-15, 18-19, and 21-32 are pending. Claims 1-5, 12-15, 19, 27, 28, 30 and 32 are under examination. Claims 6-11, 18, 21-26, 29 and 31 have been withdrawn as non-elected subject matter.
3. The text of Title 35 of the U.S. Code not reiterated herein can be found in the previous office action.

Rejections Withdrawn

4. Rejection of claims 1-5, 12-15, 19, 27, 28, 30 and 32 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, is withdrawn as the term variant has been deleted from the claims. However, it is noted that the specification and claims do not support variants or natural variants as asserted by applicants.

Rejections Maintained

5. Rejection of claims 1-5, 12-15, 19, 27, 28, 30 and 32 is maintained under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

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subject matter which applicant regards as the invention. Applicants argue that a search of the PTO database reveals patent with such terminology. This argument is not persuasive for reasons of record, Paper No. 3, mailed 6-25-99. Applicants should amend the specification and claims to reflect definite structure of Triton X-114 and Quil A. Applicants should define SDS-PAGE

New Rejections

6. Claims 1-5, 12-15, 19, 27, 28, 30 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by EP0382531, Gurnett, 16.08.90. Gurnett teach Eimeria proteins which are separable in detergent Triton X114 and migrate to the hydrophobic portion, see abstract , Example 8, purification of glycolipid linked proteins and Table 2, p. 12 for molecular weights ranging from 18-32 Kd.

7.

Status of Claims

8. No claims are allowed.

Conclusion

9. Any inquiry of a general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers relating to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for Group 1600 is (703) 308-4242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon L. Turner, Ph.D. whose telephone number is (703) 308-0056. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM. If attempts to

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reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa can be reached at (703) 308-3995.

Sharon L. Turner, Ph.D.
December 8, 1999



ANTHONY C. CAPUTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600